

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

CLIFTON ALLEN LAVINSKEY,	:	
	:	
Petitioner,	:	
	:	
vs.	:	CIVIL ACTION 12-0559-WS-M
	:	
GARY HETZEL,	:	
	:	
Respondent.	:	

ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b) (1) (B) is adopted as the opinion of this Court.

It is ORDERED that this petition be DENIED and that this action be DISMISSED. It is further ORDERED that if Petitioner files a certificate of appealability, it be DENIED as he is not entitled to appeal *in forma pauperis*.

DONE this 14th day of February, 2013.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE